

**Amendment and Response**

Applicant: Nicola Da Dalt

Serial No.: 10/541,049

Filed: February 13, 2006

Docket No. 1435.128.101/12928US

Title: DEVICE AND METHOD FOR FREQUENCY SYNTHESIS

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**REMARKS**

The following remarks are made in response to the Non-Final Office Action mailed April 21, 2008. Claims 24 and 40 have been cancelled without prejudice. Claims 17-19, 22-25, 29-31, and 40 were rejected. With this Response, claims 17, 19, 29, and 31 have been amended. Claims 17-19, 22-23, 25, and 29-31 remain pending in the application and are presented for reconsideration and allowance.

**Objection to the Drawings**

The Examiner objected to Figure 8B because the label of the vertical axis of both graphs read  $f_{OUT}/4$  and should read  $f_{OUT}/6$ . Applicant has amended Figure 8B to correct this informality. Applicant has submitted a Replacement Sheet containing amended Figure 8B. Applicant believes the Figures are now in condition for allowance and respectfully requests the objection be removed.

**Claim Rejections under 35 U.S.C. § 112 and § 102 and § 103**

The Examiner rejected claims 24 and 40 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The Examiner rejected claims 17, 19, 22, 25, 29, and 31 under 35 U.S.C. § 102(b) as being anticipated by the Duff GB Patent No. 2 002 157.

The Examiner rejected claims 17 and 23 under 35 U.S.C. § 102(b) as being anticipated by the Hiroto EP Patent Application No. 0 430 493.

The Examiner rejected claims 18 and 30 under 35 U.S.C. § 103(a) as being unpatentable over the Duff GB Patent No. 2 002 157 in view of the Kamas et al. U.S. Patent No. 6,429,799.

Amended independent claim 17 includes a portion of the limitations from previous dependent claim 24. Amended independent claim 29 includes a portion of the limitations of previous dependent claim 40. Previous dependent claims 24 and 40 were rejected under 35 U.S.C. § 112, second paragraph for being unclear.

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Amended independent claim 17 is now clarified to recite that an average value of the generated output frequencies over a certain time period is the desired frequency plus or minus a relative frequency error, wherein the control device is configured to drive the oscillator such that the least two generated output frequencies are alternated at an average switching frequency that is less than the at least two possible output frequencies, and a frequency divider is connected to the output of the oscillator and configured to reduce the relative frequency error generated at the average switching frequency.

Amended independent claim 29 is clarified to recite that the average value of the at least two generated output frequencies over a certain time period is the desired frequency plus or minus a relative frequency error, and the at least two generated output frequencies are alternated at an average switching frequency that is less than the at least two different output frequencies, and the frequency of the output signal generated by the oscillator is divided to reduce the relative frequency error generated at the average switching frequency.

These limitations of amended independent claims 17 and 29 clearly define the invention and are not taught or suggested by the Duff GB Patent. These limitations enable a smaller (i.e., slower) switching frequency of switching between the at least two output frequencies while still yielding a good approximation of the desired output frequency by reducing the relative frequency error generated at the average switching frequency.

One example embodiment having the limitations of amended independent claims 17 and 29 is described at page 8 of the clean version of the substitute specification, which explains the employment of the frequency dividers as illustrated in Figures 8A, 8B, and 8C of the present Specification. Figure 8A illustrates the time characteristic of the voltage of the control signal and the time characteristic of the frequency of the voltage of the signal  $f_{OUT}$  generated by the digitally controlled oscillator, and Figures 8B and 8C respectfully illustrate the time characteristic of the frequency and the voltage of the signal after the first and second frequency divider respectively to illustrate the effect of the frequency dividers. The example embodiment described at page 8 of the present Specification, specifically states that the relative frequency error at the output of the digitally controlled oscillator is 3.7% in the illustrated example and at the output of the second frequency divider, the relative frequency error is only 0.22%. In

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addition, the limitations of amended independent claims 17 and 29 permit even slower switching frequencies, and slower switching frequencies are desirable as slower frequencies generally are easier to handle and control and can be realized with less expensive and/or more precise circuitry.

Furthermore, dependent claims 18-19, 22-23, and 25 further define patentably distinct amended independent claim 17. Dependent claims 30-31 further define patentably distinct amended independent claim 29. Therefore, these dependent claims are also believed to be allowable.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 112, second paragraph, § 102, and § 103 rejections to the claims, and requests allowance of claims 17-19, 22-23, 25, and 29-31.

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**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 17-19, 22-23, 25, and 29-31 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 17-19, 22-23, 25, and 29-31 are respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-0471.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to Patrick G. Billig at Telephone No. (612) 573-2003, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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